IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL WRIT PETITION NO.2585 OF 1997

Vighnahar Dali Sarvangin
Vikas Mandal, Pimpalwadi — Petitioners
Vs.
The State of Maharashtra & ors. — Respondents

Mrs.Anita A. Agarwal for petitioners.
Mr.V.S.Gokhale, AGP for State.
Mr.P.B.Shah for Resp.No.3.

CORAM: B.H.MARLAPALLE & D.B.BHOSALE,JJ.

April 05, 2006.

P.C.

1. The petitioner-Society had applied for permission for two of its new schools i.e. the first one at Edgaon, Junnar and the second one i.e. New English School at Manikdoh. The first school was started in 1987 and the second school was started in 1992. The State Government had issued a notification calling for applications for starting new secondary schools in 1994 under the Brihat Yojana. The petitioner contends that it responded to the said notification and submitted an application to the respondent no.2 on 10th March 1995. However, on 15th January 1996 the respondent no.3 was granted permission to start a new secondary school and, therefore, the petitioner approached this Court.

2. On account of the interim protection granted by this Court, both the schools were allowed to run and by a further order dated 3rd September 2003, Respondent No.4 was directed to give provisional SSC Code to the petitioner's schools. As at present both the schools are running upto tenth standard and successfully.

3. During the pendency of this petition a Division Bench of this Court was called upon to lay down the guidelines for processing applications for permissions to start new primary as well as secondary schools all over the State of Maharashtra and accordingly the State Government has framed new guidelines to deal with such applications. The fact that the petitioner has been running its schools during the last more than ten to fifteen years will be sufficient to entertain the petitioner's new applications even without waiting for any notification to be issued by the State Government inviting applications for new secondary schools.

4. We, therefore, allow the petitioner - Society to submit separate applications afresh in respect of both the schools seeking permission from the

Respondent Nos.4 and 5 and the applications to be submitted to Respondent No. 2 initially with the prescribed fees within a period of four weeks from today and if such applications are found to be in order in terms of complying with the procedure, we direct the Respondent Nos.4 and 5 to decide such applications for granting permissions by taking into consideration the fact that the schools have been running for the last about ten to fifteen years, the infrastructure that is already available with them and the over all performance including the teaching staff etc. The applications shall be decided as expeditiously as possible and in any case before 30th June 2006.

5. In view of the above directions, the petition stands disposed off.

(D.B.BHOSALE,J.) (B.H.MARLAPALLE,J.)